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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,703	04/11/2001	Karl-Hans Holder	DE920000023US1	1678

7590

07/21/2003

IBM Corporation - MS P386
Intellectual Property Law Department
2455 South Road
Poughkeepsie, NY 12601

EXAMINER

PHAM, KHANH B

ART UNIT

PAPER NUMBER

2177

DATE MAILED: 07/21/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,703

Applicant(s)

HOLDER ET AL.

Examiner

Khanh B. Pham

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The abstract of the disclosure is objected to because it contains legal term "comprises" and "comprising" at lines 2-3. Correction is required. See MPEP § 608.01(b).
3. Claim 2 is objected to because of the following informalities: misspelled word "preformer" at line 3. Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9-11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 9-11 are directed to "a computer program", which is a non-statutory subject matter.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-12 are rejected under 35 U.S.C. 102(e)** as being anticipated by Srivastava et al. (US 2002/0120685 A1), hereinafter referred to as "Srivastava".

As per claims 1, 8, 9, 12, Srivastava teaches a method, a computer system having means, and a computer program product stored on a computer usable medium, for providing access to resources comprising the steps of:

- "defining physical and/or logical parameters required for locating the desired resource" at page 1, [0008];
- "reading resource-specific information from a resource-specifying source specifying a structure comprising said resource, generating hierarchical control information reflecting said structure" at page 16, [0329];
- "enabling access to a desired resource by calling a resource access performer with at least one of said parameters and evaluating said control information" at page 14, [0290], [0292].

As per claim 2, Srivastava teaches the method of claim 1 further comprising the step of: "automatically triggering a semantic evaluation of the contents of a resource desired to be updated when said resource is referenced in calling said resource access performer" at page 14, [0290] and page 15, [0306]-[0308].

As per claim 3, Srivastava teaches the method of claim 1 in which "said resource-specifying source is an XML file" at page 1, [0010].

As per claim 4, teaches the method of claim 1 in which "said hierarchical control information is defined in a data modeling schema comprising simple data types and at

least one composition method for recursively constructing complex data types” at page 7, [0113].

As per claim 5, Srivastava teaches the method of claim 4 in which said schema comprises relations between data stored in one or more of said resources” at page 7, [0013].

As per claim 6, Srivastava teaches the method of claim 1, in which: “said resources are shared between at least two different operating systems” at page 4, [0066].

As per claim 6, Srivastava teaches the method of accessing resources as stated in claim 1 above. Srivastava teach the resource are shared over the Internet but does not explicitly teach: “said resources are shared between at least two different operating systems”. However, it is well known in the art that

As per claim 7, Srivastava teaches the method of claim 1 further comprising the step of: “performing extended processing on said resources as defined in a Java class” at page 2, [0013].

As per claim 10, Srivastava teaches the computer program of claim 9 as discussed above, further comprising “an application interface for triggering requests for resource data processing from an application and an architected interface for resource access” at page 12, [0222].

As per claim 11, Srivastava teaches the computer program of claim 10, in which “said interface comprises one or more calls to at least one resource access performer” at page 12, [0225].

Conclusion

6. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is (703) 305-9601 for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (703) 308-7299. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 746-7240.

Khanh B. Pham
Examiner
Art Unit 2177

KBP
July 17, 2003

JEAN R. HOMERE
PRIMARY EXAMINER